G. R. S. 58]

Previous references.

5

File No. 11-15

1915-

Serial Nos. 1-4

(Genl.)

Later references.

Gol 23-17

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for June 1916.

SUBJECT.

Acquisition of a plot of land in the Shimoga Taluk required by the Workington Iron & Steel Co.

To Rev. Comm. & Dist. Mtg.

States that Govt. Consider the Tie ante precludes ——

/

W D 1351—GPB—20,000—13-12-15

G. R. S. 11] 1915-16

GENERAL AND REVENUE SECRETARIAT.

(Genl)

NOTES.

File No. 11-15.

FILE HEADING.

Requisition of a plot of land in the Shimoga Tk. required by the Workington Iron & Steel Company Ltd.

From

The Revenue Commr

No. 1271 Dated 24-7-15. Received 16-8-15.

Diary No. 1589 | Enclos. 5. Spare Copies. — | Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Forwards for orders Shimoga Dy. Comrs letter No. 924 d. 9.6.1915 requesting the publication in the Gazette of a declaration Statement for the requisition of 2000 Sq. Yds. out of S.No. 93 in the Kallahalli village, Shimoga Tk, applied for by the Workington Iron & Steel Company Ltd. for the purpose of constructing a Bungalow, office & Laboratory for the Company.

NOTES AND ORDERS.

L The Land Requisition Regulation contains special provisions for the requisition of land for Companies. But these provisions are not applicable to cases where Govt. are

NOTES—First Sheet.

GPB—20,000 - 8 S-14

G. R. S. 12]

General and Revenue Secretariat. Gad File No. of 191 5-16

Serial No.

vide S-43-

under an obligation to provide land for the purposes of ~~a~~ any company. No information is available in this office as to whether in the present case there is any such obligation. These papers may therefore be forwarded unofficially to the Director, Dept of Mines & Geology, with the request that if the special rules contained in Pt. VII of the Regulation apply to the case, an enquiry on the points specified in S. 40 may be instituted and the result intimated together with his suggestions as to the terms of the agreement ~~to be~~ the Company to be required to enter into under S. 41.

H. 30.8.15 To Please put up a draft to the Director forwarding the Appl^n for opinion as to whether the case is one for compliance with the requirements of the lease, the L.R. Code & the Land Acq^n Reg^n. Also ask that the lease may be kindly sent for perusal.

30/8-15

3 Drafts put up- H. 31.8.15

G. Thomas

NOTE—Contn. sheet.

GPB—25,000—30-4-15

2380

G. R. S. 12]

General and Revenue Secretariat. | File No. 11 of 1915.

Serial No.	
2	G 2933 — Director M & G.
	Forwards the letter from the D.C. Shimoga Dist: with its enclosures received from the Rev: Comm^r for report as to the compliance of the requisitions therein
3	From the Director, Dept^t of Mines & Geology, No. 5688. 9-9-15.
	States that though the land in question is not situated within the mining blocks held by the Company and the provisions of the mining leases do not consequently apply to the proposed acquisition accommodation for an office and laboratory near Shimoga is very necessary for the work of the Company.
	Submitted for orders. Attention is invited to ss. 39-42 of the Land Acquisition Regulation.
11	11-9-15. In my humble opinion the case does not appear to be one coming within the purview of the Land Acqn Act or the S. 38(2) of the Mysore Land Rev Code.
	No doubt a laboratory & an office accommodation is necessary for the Company. But the point is for consideration (in addition to the provisions of the Rules) is whether the particular

NOTE—Contn. sheet.

GPB—25,000—30-4-15

. R. S. 12]

General and Revenue Secretariat. | 4 File No. 11 of 1915-16

Serial No.

bit of land is absolutely necessary ~~for~~ the bit of land in the neighbourhood is essential will not do equally well The Company ought to be able to require other land or negotiate terms with the occupants of the land now applied for.

21/9-15

per Secy

Draft order sanctioning may be put up. It is presumed that the acquisition is for a public purpose within the meaning of the L. A. Reg:— Precedents should be in existence.

Early disp

Dmer 21/9

30/9-15

N

9- The papers relating to the acquisition of lands for the tramway constructed by the Mysore Manganese Company are putup. It will be observed that the acquisition proceedings in that case were taken under the ordinary provisions of the Land Acquisition Regulation and not under the special provisions contained in pt= VII of that Regulation.

A draft- order is submitted as directed. The draft Declaration Statement also requires approval.

19.10.15.

Subs with reference to orders in para 8.—

12 Now for the Construction of

NOTE—Contn. sheet.

GPB—20,000—30-6-15

2380

F. R. S. 12]

General and Revenue Secretariat.

Geol File No. 11 of 1915-16

Serial No.

an office & Laboratory, though "very necessary for the work of the Company (Vide Director's letter), is a "public purpose under the General provisions of the Land Acq[n] Rej[n] or is likely "to prove useful to the public" [Vide S. 40(b) of the Rej[n]] is a matter for consideration

KP
21/10-15

Jl. Secy.

13) Please consult the Sol. Adv. G.O.

Dues
2/11

Rlo-62-15
(with one records cases)
LR. 592-06

14) Forwarded to the Govt. Advocate in Mysore for favour of opinion

By order

Commissioner
& Secy. to Govt.
Genl. Depts.
2/11-15

P.T.O.

NOTE—Contn. sheet.

GPB—25,000—22-3-15

G. R. S. 12]

General and Revenue Secretariat. Geol File No. 11 of 1915-16.

Serial No.

11/17/3 Dr. O. 39 of 15

15) The land is obviously needed for the purpose of the Company & it is immaterial whether the purpose is a "public purpose or not within the scope of Sec 6 of the Land Acquisition Regulation. In the case of land required for a Company the purpose of the Company has also to be taken into account - See Sec 38 - But then the Consent of Govt. for the acquisition under the Regulation Cannot be given unless the work contemplated "is likely to prove useful to the public" (- See §§ 40 & 41) & no steps for acquisition can be taken until after the Company has entered into an agreement with Govt. providing among other matters the terms on which the public shall be ~~not~~ entitled to use the proposed work and until after such agreement has been published in the Gazette (§§ 39, 41 & 42

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

[R. R. S. 12]

General and Revenue Secretariat.

Geol File No. 11 of 1915-16

Serial No.

16) In this Case the land is required for the Construction of a bungalow an office and a laboratory & this work can scarcely be said to be useful to the public nor can the public have a right to use it - The Mysore Land acquisition Regulation is based on the Land acq^n act in force in British India. A special law was passed in British India in 1863 (act XXII of 1863) to provide for taking lands for works of public utility by private persons or Companies and for regulating the Construction & use of works on land so taken. Work of public utility was defined to mean "any bridge road railroad tramroad Canal for irrigation or navigation work for the management of a river or harbour, dockyard

NOTE—Contn. sheet.

GPB—20,000—30-6-15

G. R. S. 12]

General and Revenue Secretariat. | Jo. & File No. 11 of 1915-16

Serial No.

[illegible] drainage work or Electric Telegraph and also all works subsidiary to any such work & the operation of this act was limited to these purposes. The provisions of this act were condensed & incorporated in the Land acq.n act of 1870 as part VII. as circumstances no longer justified their separate existence. Part VII of the act has been transferred bodily into Part VIII of the present act I of 1894 on which our Land acq.n Regulation is based. From this brief review of the course of legislation it appears to me that Part VII of our Reg.n can be applied only in case of works of "public utility" & that the provisions of the Regulation cannot be resorted to for acquiring lands for purposes of the kind now under notice. There is a case pending

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | Geol File No. 11 of 1915-16.

Serial No.

for some time past in the Chief Court in which the question as to the meaning of the expression "public purpose" is incidentally involved. I expected to have the benefit of the views of the Chief Court but as the case has not yet been heard & may not come on for hearing soon I have after recording my views sent back the file.

16.3.16. Advocate-General for Sindh.

Submitted

AHS hm 17) Please put up a draft
18-3-16. in hindi with fresh Advocate's opinion

20/3-16

18) Submitted with a draft for appt. or Mem order

AHS hm 28-3-16.

(pt. dely.)

28/3-16

19) Both how were the land required for the Kotri Kamrow Chan acquired under the Land Acquisition

29/3/16

29/3-16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

2310

G. R. S. 12]

General and Revenue Secretariat. | Genl File No. 11 of 1915-16

Serial No.

N.

20) The file relating to the acquisition of lands required for the manganese tramway is herewith put up. No discussion on the point raised in paragraph 19 seems to have been made in that collection. Submitted for

AHS. 10-4-16. 12

21) (K. Devy.) — 12/4-16

22) Please send this to Mr Srinivasa Iyer for a note on the legal question. Secy: Devy 13/4

23) Sr in 13/4-16

Submd.

17/4/16

24) Since the land is required for a company, the procedure prescribed in Part VII of the Land Acquisition Regulation should be adopted. Under the provisions prescribed in this Part, the consent of the Government should be given for the acquisition and the company should enter into an agreement with Govt with reference to the matters mentioned in S 41. Then S 40 provides that such consent should not be given by Govt unless upon enquiry they are satisfied that the land is required for the construction of some work of public utility

J Dis 1403-15

NOTE—Contn. sheet.

GPB—70,000—17-12-15

Jpr 140315

2380 11

G. R. S. 12]

General and Revenue Secretariat. | Gen File No. 11 of 1915-16.

Serial No.

Though Govt. is the sole judge of the fact whether the work is likely to prove useful to the public, Courts can question the soundness of that discretion in view of the restrictive provisions in the Regulation. In this connection the following extract from the speech of the Mover of the Bill in the Imperial Legislative Council with reference to this Section clearly explains its scope: "It is not intended that the Act shall be used for the acquisition of land for any company in which the public has merely an indirect interest, and of the works carried out by which the public can make no direct use. The Act cannot, therefore, be put in motion for the benefit of such a company as a spinning or weaving Company, or an iron foundry, for although the works of such companies are distinctly "likely to prove useful to the public" it is not possible to predicate of them 'the terms on which the public shall be entitled to use them', a condition precedent to the acquisition of land." Now what one means by works of public utility are those works such in which the public have a direct interest

25) In the present case, apparently these conditions are wanting, and Govt. cannot legally sanction the acquisition.

KB 22/5

BDT)

NOTE—Contn. sheet.

GPB—70,000—17-12-15

15-89
2380

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G. R. S. 12]

General and Revenue Secretariat. | Govt File No. 11 of 1915-16.

Serial No.

26) Submitted with reference to order in paragraph 22.

A/R. Law
24-4-16.

27) R. Dey.)

24/4/16

28) The draft order may be approved.

First Member)

Approved
29/5/16

Dewey Rao
29/5

335/29.5

29.5 Dec 29/16

Secy
30/5-16

4. To The Director, Dept of Mines & Geology.
The Revenue Commr in Mysore.
No. Cr 16273-4 Dt 31-5-16.
States that Govt consider that the provisions of the Land Acquisition Regn do not authorise acquisition of lands in question for the purposes in view

B.

NOTE—Contn. sheet.

GPB—70 000—17-12-15

1589

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Bangalore, 24 ~~22nd~~ July 1915.

No. 1271 / 39 Fasli

FROM

K. Doraswami Iyer Esquire,
Revenue Commissioner in Mysore.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
REVENUE *Department.*

SIR,

I have the honor to forward herewith in original letter No.974 dated 9th June 1915 together with its enclosures from the Deputy Commissioner Shimoga District submitting for publication in the Mysore Gazette a declaration statement (both in English and Kanada) for the acquisition of 2000 square yards of land out of occupied survey No.93 measuring 21 acres 22 guntas in the Kallahalli village Shimoga Taluk required for the construction of certain buildings by the Workington Iron and Steel Company. It is reported that the survey number in question is within the municipal limits of the Shimoga Town and is treated in the village accounts as the compound of a bungalow.

I have the honor to be,

Sir,

Your most obedient servant,

Revenue Commissioner.

H.V.

R. C. 4.

From

K. Doraswami Iyer Esquire,

Revenue Commissioner in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
Revenue *Department.*

Dated 24th July 1915.

Despatched

Received

General No. 1271

Enclosure No. 3 to file

SUBJECT.

Forwarding proposal of the Deputy Commissioner Shimoga District for the acquisition of a portion of S.No.93 of Kallahalli, Shimoga Taluk, required for the construction of certain buildings by the Workington Iron and Steel Company.

½ 4/9

G. R. S. 26]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Geol. Section 11-15.

File No.

Serial No. 2

General and Revenue Secretariat

( )

, the *191*

No. C 2933

Enc 3 cards

Date of issue 2/9

To

The Director,

Dept of Mines & Geology

Signed by Mr. B.S. Rao

Sir.

I am directed to forward herewith in original ~~with~~ its ~~enclosures the covering~~ letter No. 974 dated the 9th June 1915 (with its enclosures) from the Dy. Comr of the Shimoga Dt. to the Revenue Commissioner on an application from regarding the Workmen from

P.T. over.

× To be kindly returned

B/Mm
1-9-15

and Steel Company Ltd. for
the acquisition by the Company for its purpose of a portion
of S. No. 93 of Kallahalli in
the Shimoga Taluk for its use and to
invite your opinion as to
whether the request is one for
compliance, with due regard
to the provisions of the mining
lease granted to the Company
and of the Mysore Land Revenue Code
and of the Land Acquisition
Regulation. The lease may
also be kindly sent for reference.

J Lavelle.

Secy to Govt.

List of enclosures.

Copied by

Examined by

GPB—20,000—14-2-14

2380

D.M.G. 12] GPB—2,000—23-3-15

1915-19
SECTION Geol.
FILE No. 1175.
Encl-one file
SER. No. 3.

No. 90-568 BANGALORE, 9th Sept. 1915

U
11/9.

FROM

DR. W. F. SMEETH, M.A., D.SC., A.R.S.M., &c.,
Director, Department of Mines and Geology,
Mysore State.

To

D. M. Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of H. H. the Maharaja of Mysore,
General Department.

SIR,

In reply to your letter No.G.2933- Geol. 11-15-2, dated 2nd September 1915, on the subject of the acquisition for the Workington Iron and Steel Co., Ld., of a portion of Survey No.63 in the village of Kallahalli, situated within the limits of the Shimoga Town municipality, required for the construction of certain buildings for the use of the Company, I have the honour to state that the land in question is not comprised within the areas of the mining blocks held by the Company, but is several miles away from them and that the provisions of the mining leases granted to the Company are not therefore applicable to the acquisition of the said land. Accommodation for an Office and Laboratory near Shimoga is very necessary for the work of the Comapny and I presume Government will enable the Comapny to acquire the necessary land even though it is outside the area of the Mining Leases.

The papers received with your letter under reply are retuned herewith.

I have the honour to be,
Sir,
Your most obedient servant,

W. F. Smeeth

Director

V.D.M. Department of Mines and Geology.

2382

Read 11-15-4

Proceedings of the Government of His Highness the Maharaja of Mysore.

.....

R e a d:-

Letter No.1271 dated the 24th July 1915 from the Revenue Commissioner in Mysore transmitting letter No.974 dated the 9th June 1915 from the Deputy Commissioner of the Shimoga District with a declaration statement for the acquisition of 2,000 square yards of land out of occupied Survey No.93 of Kallahalli village in the Shimoga Taluk and within the Municipal limits of Shimoga applied for by the Workington Iron and Steel Company Limited for the construction of a bungalow, an office and a laboratory, for the use of the Company.

2. Correspondence on the subject ending with letter No.568 dated the 9th September 1915 from the Director, Department of Mines and Geology.

.....

Order No. G 16273-4

Bangalore, 31-5-1916 ~~31st May 1916.~~

Government consider that the provisions of the Land Acquisition Regulation do not authorize acquisition of lands

for the purposes in view.

Secretary to Government,

General Department.

To

The Revenue Commissioner in Mysore,
with records.

The Director, Department of Mines
and Geology.